

(2018-101)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

MARIA RAMIREZ AND
FRANCISCA GONZALEZ

VS.

TRANSCARGA Y GANADO MORENO,
SA DE CV, TGM LOGISTICS, INC.
AND MARCO ANTONIO MARTINEZ
MORENO

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Civil Action No. _____

JURY DEMANDED

NOTICE OF REMOVAL

Defendants, TRANSCARGA Y GANADO MORENO, SA DE CV., and MARCO ANTONIO MARTINEZ MORENO file this Notice of Removal to the United States District Court for the Western District of Texas, Del Rio Division, pursuant to 28 U.S.C. § 1441, based on the following facts, which show that this case is properly removable:

PROCEDURAL BACKGROUND

1. On December 22, 2017, Plaintiffs commenced an action in the 293rd District Court of Maverick County, Cause No. 17-12-35080, styled Maria Ramirez and Francisca Gonzalez v. Transcarga y Ganado Moreno, SA De CV, and Marco Antonio Martinez Moreno. Plaintiffs allege Defendants are liable for negligence under a general liability theory.

2. On February 16, 2018, Defendants were served with a copy of Plaintiffs' Original Petition.

3. Defendants' Notice of Removal is timely as it is filed within 30 days of actual or constructive receipt of Plaintiffs' Original Petition. 28 U.S.C. § 1446(b).

4. At the time suit was filed, and continuing to the present, this Court had, and still has,

original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). There is complete diversity of citizenship between Plaintiffs and Defendants. There are no statutory bars against removal to the United States District Court, Western District of Texas.

5. The amount in controversy exceeds \$75,000.00, exclusive of interests and costs. See Pet. Para. 12, page 10.

PARTIES

6. At the time Plaintiffs' Original Petition was filed and continuing to the present, Plaintiffs are alleged to be a citizen of, and domiciled in, the State of Texas. See Pet. Para. I.

7. At the time Plaintiffs' Original Petition was filed and continuing to the present, Defendant, Transcarga y Ganado Moreno, SA De CV, was and still is a Mexican Corporation with a principal place of business in Allende, Coahuila de Zaragoza, Mexico and Defendant Marco Antonio Martinez Moreno still resides in Mexico.

8. There is complete diversity between the parties.

9. A copy of this Notice of Removal was filed with the clerk of the State Court in which the original action was filed, as required by law.

10. Pursuant to Local Rules 3 and 81, this Notice of Removal is accompanied by a Civil Cover Sheet and copies of the following attached documents:

- a. Pleadings asserting causes of action (Exhibit A);
- b. All order signed by the State Judge (Exhibit B)
- c. The state court docket sheet at the time of removal (Exhibit C);
- d. An index of matters being filed (Exhibit D);
- e. A list of all attorneys, including their addresses, telephone numbers, and the parties they represent (Exhibit E);

PRAYER

For these reasons, Defendants TRANSCARGA Y GANADO MORENO, SA DE CV., and MARCO ANTONIO MARTINEZ MORENO, requests that the Court take jurisdiction of this action to its conclusion and final judgment, to the exclusion of any further proceedings in State Court, in accordance with law.

Dated: March 14, 2018.

Respectfully submitted,

“/s/” Anthony B. James

Anthony B. James, Attorney in Charge
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing, Notice of Removal has been served on the 14th day of March, 2018 to all attorneys of record as follows:

Email: sandra@matacorteslaw.com
Sandra Cortes
Mata-Cortes Law Firm, P.C.
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Attorney for Plaintiffs

“/s/” Anthony B. James

Anthony B. James